



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ३, अंक ८१]

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असाधारण क्रमांक १५७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Public Universities (Amendment) Ordinance, 2017 (Mah. Ord. XXVIII of 2017), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,

I/c. Secretary Legislation to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Public Universities (Amendment) Ordinance, 2017 (Mah. Ord. XXVIII of 2017), published under the authority of the Governor].

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 28th November 2017.

MAHARASHTRA ORDINANCE No. XXVIII OF 2017.

AN ORDINANCE

to amend the Maharashtra Public Universities Act, 2016.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate Mah. VI action to amend the Maharashtra Public Universities Act, 2016, for the of 2017. purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

(१)

Short title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Public Universities (Amendment) Ordinance, 2017.
- (2) It shall come into force at once.

Amendment
of section 30
of Mah. VI of
2017.

2. In section 30 of the Maharashtra Public Universities Act, 2016 Mah. VI (hereinafter referred to as "the principal Act"), after sub-section (4) of 2017. following proviso shall be added, namely :—

"Provided that, for the election of the candidate from the reserved categories, under clauses (f), (g), (h) and (i), for the initial term of Management Council, immediately after the commencement of this Act, point of rotation for reserved categories under the said clauses shall be decided by drawing of lots by Vice-Chancellor, and while drawing of lots, it shall be ensured that the person belonging to each reserved category shall have representation on the Management Council."

Amendment
of section 62
of Mah. VI of
2017.

3. In section 62 of the principal Act, after sub-section (2) following proviso, shall be added, namely :—

"Provided that, for the initial term of the authorities of the Universities, immediately after the commencement of this Act, the process of election, nomination and co-option shall be completed not later than 28th February immediately following after such date of commencement."

Insertion of
section 99A
in Mah. VI of
2017.

4. After section 99 of the principal Act, the following section shall be added, namely :—

Temporary
provisions for
Constitution
of Students'
Council.

"99A. Notwithstanding anything contained in section 99, for the academic year 2017-18, with regard to the constitution of Students' Council the following provisions shall apply :—

(1) There shall be a University Students' Council as specified in sub-section (4), a University Department Students' Council for the departments of the University and a Students' Council for each conducted college or institution of the University and each affiliated college, to look after the welfare of the students and to promote and co-ordinate the extracurricular activities of different students' associations for better corporate life. The Councils shall not engage in political activities.

(2) (a) The University Department Students' Council shall consist of the following members, namely :—

- (i) Vice-Chancellor — President;
- (ii) Director of Students' Development — Chairman;
- (iii) Director of Sports and Physical Education;
- (iv) Director of National Service Scheme;
- (v) One student from each university department who has shown academic merit at the preceding degree examination and is engaged in full time studies in a university, institution or department or conducted college, nominated by the Vice- Chancellor;
- (vi) Two lady students nominated by the Pro-Vice-Chancellor and if there is no Pro-Vice-Chancellor, the Vice-Chancellor shall nominate two lady students.

(b) the Students Council for each institution, conducted college or affiliated college shall consist of the following :—

- (i) Principal- Chairman ;
- (ii) One lecturer, nominated by the Principal ;
- (iii) Teacher in charge of National Cadet Corps ;
- (iv) National Service Scheme Programme Officer ;
- (v) One student from each class, who has shown academic merit at the examination held in the preceding year and who is engaged in full-time studies in the college, nominated by the Principal ;
- (vi) Director of Sports and Physical Education, if any ;
- (vii) One student from each of the following activities, who has shown outstanding performance, nominated by the Principal, namely :—
 - (1) Sports ;
 - (2) National Service Scheme and Adult Education ;
 - (3) National Cadet Corps ;
 - (4) Cultural Activities ;
- (viii) Two lady students nominated by the Principal :

Provided that, two of the students from the categories (vii) and (viii) shall be those belonging to the Scheduled Castes or Scheduled Tribes or De notified Tribes (*Vimukta Jatis*) or Nomadic Tribes or Other Backward Classes.

(3) The student member's of both these Councils shall elect, from amongst themselves, the Secretary of their respective Council.

(4) (a) There shall be University Students' Council consisting of not more than fifteen persons, nominated through selection, from amongst Secretaries of the respective councils under sub-section (3), as prescribed by the Statutes existing immediately prior to the date of commencement of this Act :

Provided that, at least one seat each be reserved for students belonging to—

- (i) Scheduled Castes ;
- (ii) Scheduled Tribes ;
- (iii) De-notified Tribes (*Vimukta Jatis*) or Nomadic Tribes ;
- (iv) Other Backward Classes ; and
- (v) One seat for women students,

remaining seats being distributed district-wise :

Provided further that, for the purpose of nomination through selection details based on academic performance, participation in National Cadet Corps, National Service Scheme and Adult Education, Cultural Activities or such other activities as may be prescribed by the Statute ;

(b) The University Students' Council so formed shall elect its own President and Secretary ;

(c) Every meeting of the University Students' Council shall be presided over by the Vice-Chancellor and shall be attended by such other officers as may be prescribed.

(5) A student shall be eligible to be, or continue to be, a member of any of the Students' Council, only if he is enrolled as a full time student.

(6) The nomination of the student members of the Students' Council shall be made for the academic year 2017-2018 on the date to be fixed by the Management Council. The term of office of the nominated student members shall begin with effect from the date of nomination and shall extend upto the last day of the academic year, unless they have, in the meantime, incurred any of the disqualifications specified by or under the Act; and shall then expire.

(7) One third of the members of the Council shall constitute the quorum. The rules and procedure for conduct of business of the meetings and such other matters shall be such as may be prescribed. The Council shall meet at least once in every three months."

Amendment
of section
109 of Mah.
VI of 2017.

5. In section 109 of the principal Act, in sub-section (3), after clause (d), after the existing proviso the following proviso shall be inserted, namely :—

"Provided further that, for the first academic year, immediately after the commencement of this Act with a view to facilitate the Universities to decide the applications for permission for opening of new College the dates referred to in clauses (a), (c) and (d) of sub-section (3) as specified in column (2) of the Table hereto shall be read as provided in column (3) of the said Table :—

Table

Clauses	For the date existing provision	Date for the Academic Year 2017-18.
(1)	(2)	(3)
(a)	Last day of September of the Year.	15th December 2017.
(c)	Before 30th of November of the year.	Before 15th January 2018.
(d)	Before 31st January of the immediately following year.	Before 28th February 2018."

Amendment
of section
146 of Mah.
VI of 2017.

6. In section 146 of the principal Act, for sub-section (1), following shall be substituted, namely :—

"(1) Every authority of an existing university shall, as soon as practicable, but not later than 28th February 2018, be reconstituted in accordance with the provisions of this Act. Every such authority shall, be deemed to be reconstituted with effect from such date as the Vice-Chancellor may, from time to time, specify by notification."

STATEMENT.

The Maharashtra Public Universities Act, 2016 (Mah. VI of 2017) come into force with effect from the 1st March 2017. After such commencement it is necessary to constitute various authorities and bodies of the universities as per the provisions of the said Act. It is also necessary to ensure that the permissions for opening of new college, as contained in section 109 of the Act are being given effect to. However, it has been brought to the notice of the State Government that the universities are facing intial diffeculties in implementing the provisions of the Act which are resulting in delaying the constitution of the university authorities and bodies. It is therefore considered expedient to immediately amend the said Act.

2. The salient features of the proposed amendments are as under :—

(i) *Amendment of section 30.*—To ensure that the persons belonging to all the reserved categories get due representation on the management council it is proposed to empower the Vice-Chancellor to decide the initial point of reservation by drawing lots in respect of the members elected under clauses (f), (g), (h) and (i) of sub-section (4) of the said section 30.

(ii) *Amendment of section 62.*—In order to enable the universities to complete the process of election, nomination and co-option of the members of authorities of universities for the initial term, it is proposed to temporarily extend the last date for completion of the process of election, nomination and co-option from 30th of November to 28th February 2018.

(iii) *Insertion of new section 99A.*—With a view to ensure the democratic rights of the students, it is proposed to insert a new section 99A, thereby making provisions for constitution of Students' Council for the academic year 2017-2018.

(iv) *Amendment of section 109.*—To ensure that the recommendation of the expert committee of the Maharashtra State Commission for Higher Education and Development on the points of perspective plan submitted by the Universities are being given effect to, the time frame for grant of permission for opening new colleges for the academic year 2018-2019, is being amended.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017), this Ordinance is promulgated.

Mumbai,
Dated the 26th November 2017.

CH. VIDYASAGAR RAO,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

SITARAM KUNTE,
Additional Chief Secretary to Government.